

Form B9I (Chapter 13 Case)

Case Number **04-10253**

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT of South Dakota**

**Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines**

The debtor(s) listed below filed a chapter 13 bankruptcy case on 8/4/04 .

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or online using WebPACER (contact clerk's office for more information regarding WebPACER). NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**Debtor(s):**

Michael Stewart Fitz  
P.O. Box 957  
Britton, SD 57430

Carol Jean Fitz  
P.O. Box 957  
Britton, SD 57430

**Case Number:**

04-10253

**Social Security/Taxpayer ID Nos.:**

xxx-xx-4238  
46-0356774  
xxx-xx-3008

**Attorney for Debtor(s):**

Curt R. Ewinger  
PO Box 96  
Aberdeen, SD 57402-0096  
Telephone number: (605) 225-9594

**Bankruptcy Trustee:**

Dale A. Wein  
Bankruptcy Trustee  
PO Box 1329  
Aberdeen, SD 57402-1329  
Telephone number: (605) 225-0100

**Meeting of Creditors:**

Date: **September 14, 2004**Time: **02:40 PM**Location: **505 S Washington St, Aberdeen, SD 57402**

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**To File a Proof of Claim**

For all creditors (except a governmental unit): 12/13/04

For a governmental unit: 1/31/05

**To Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors.

**Filing of Plan, Hearing on Confirmation of Plan**

You will receive a copy of the proposed plan. The hearing on confirmation will be held:

Date: October 12, 2004

Time: 10:25 AM (Central Time)

Location: By telephone with Trustee, Attorney for  
Debtor(s), Attorney for Objector(s),

**To Object to Plan:**

9/30/04

**Creditors May Not Take Certain Actions:**

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property, and certain codebtors. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

**Address of the Bankruptcy Clerk's Office:**

225 S Pierre St Rm 203  
Pierre, SD 57501  
Telephone number: 605-224-6013

**For the Court:**

Clerk of the Bankruptcy Court:  
Charles L Nail, Jr.

Hours Open:

Monday – Friday 8:00 AM – 5:00 PM

Date: 8/4/04

**SEE OTHER SIDE FOR IMPORTANT EXPLANATIONS.**

## EXPLANATIONS

Filing of Chapter 13 Bankruptcy Case	A bankruptcy case under chapter 13 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts pursuant to a plan. A plan is not effective unless confirmed by the bankruptcy court. You may object to confirmation of the plan and appear at the confirmation hearing. A copy or summary of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on the front of this notice, you will be sent notice of the confirmation hearing. The debtor(s) will remain in possession of the debtor's(s') property and may continue to operate the debtor's(s') business, if any, unless the court orders otherwise.
Creditors May Not Take Certain Actions	Prohibited collection actions against the debtor(s) and certain codebtors are listed in Bankruptcy Code § 362 and § 1301. Common examples of prohibited actions include contacting the debtor(s) by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor(s); repossessing the debtor's(s') property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's(s') wages.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee, and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim against the debtor(s) in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor(s).
Discharge of Debts	The debtor(s) is (are) seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor(s).
Exempt Property	The debtor(s) is (are) permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's(s') case is converted to chapter 7. The debtor(s) must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor(s) is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's(s') property and debts and the list of property claimed as exempt, at the bankruptcy clerk's office. You may also review them online, using WebPACER (contact the clerk's office for more information regarding WebPACER).
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.
Debtor Identification	<b>Important notice to individual debtors: Effective February 1, 2002, all individual debtors must provide picture identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in dismissal of your case.</b>

— Refer to Other Side for Important Deadlines and Notices —

UNITED STATES BANKRUPTCY COURT District of South Dakota		PROOF OF CLAIM
<b>Debtor's name:</b> Michael Stewart Fitz Carol Jean Fitz	<b>Case number:</b> 04-10253  Chapter: 13	<b>Please see the Instructions that accompany this form for definitions and guidance on completing a proof of claim.</b>
<b>Creditor's name:</b>	<b>Debtor's account or i.d. number:</b>	<b>This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</b>
<b>Send notices to (name and address):</b>   <b>Phone number:</b> (    ) <b>Fax number:</b> (    )	<input type="checkbox"/> Check this box if you are aware that someone else has filed a proof of claim relating to your claim. <input type="checkbox"/> Check this box if you have never received a notice from the bankruptcy court in this case. <input type="checkbox"/> Check this box if your address differs from the address on the envelope sent to you by the bankruptcy court.	<input type="checkbox"/> Check this box if this claim is intended to <b>replace</b> a previously filed claim. <input type="checkbox"/> Check this box if this claim is intended to <b>amend</b> a previously filed claim.  Date of previously filed claim:
<b>1. Basis for claim</b> (check all that apply and use "Other" to describe any claim not fitting within one of the listed categories):		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Goods sold  <input type="checkbox"/> Services performed  <input type="checkbox"/> Money loaned  <input type="checkbox"/> Personal injury/wrongful death  <input type="checkbox"/> Taxes  <input type="checkbox"/> Retiree benefits (per 11 U.S.C. §1114(a)) </div> <div style="width: 30%;"> <input type="checkbox"/> Wages, salaries, or compensation, for services performed (insert dates):   From:                      To:   Your SSN: </div> <div style="width: 30%;"> <input type="checkbox"/> Other (describe): </div> </div>		
<b>2. Date(s) debt incurred:</b>	<b>3. Date(s) of any judgment:</b>	
<b>4. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED:</b>		
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 20%;"> \$ _____ +  <b>a. Secured</b>  (if other than "0", complete no. 5 below) </div> <div style="width: 20%;"> \$ _____ +  <b>b. Unsecured</b> </div> <div style="width: 20%;"> \$ _____ =  <b>c. Priority</b>  (if other than "0", complete no. 6 below) </div> <div style="width: 20%;"> \$ _____  <b>TOTAL</b>  (a+b+c) </div> </div>		
<input type="checkbox"/> Check this box if claim includes interest or other charges.		
<b>5. SECURED CLAIM.</b> Check the appropriate box(es), if your claim is secured by:  <input type="checkbox"/> Real estate <input type="checkbox"/> Motor vehicle(s) <input type="checkbox"/> Other collateral (describe):  Value of collateral: \$  Arrearage and other charges at the time the case was filed included in secured claim, if any: \$	<b>6. PRIORITY CLAIM.</b> Check the appropriate box(es), if your claim is for:  <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,925*) earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Deposits (up to \$2,225*) toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other (describe and specify applicable paragraph of 11 U.S.C. § 507):  * Amounts are subject to adjustment on 4/1/2007 and every three years thereafter with respect to cases filed on or after the date of the adjustment.	
<b>7. CREDITS:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this claim. <b>8. SUPPORTING DOCUMENTS:</b> DO NOT ATTACH SUPPORTING DOCUMENTS to your proof of claim. See instructions. <b>9. DATE-STAMPED COPY:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and a copy of this proof of claim.		THIS SPACE IS FOR COURT USE ONLY
<b>Date and sign:</b>  <b>Print your name and title (if any):</b>  <div style="text-align: center;"><b>Attach a copy of any power of attorney.</b></div>		

# INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules. **If you have questions regarding these instructions and definitions, please consult an attorney. Neither the Clerk's office nor the trustee (if one has been appointed) is permitted to give legal advice.**

## ---- DEFINITIONS ----

<b>Debtor</b>	<b>Secured Claim</b>	<b>Unsecured Claim</b>
The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.	A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.	If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.
<b>Creditor</b>		
A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.		
<b>Proof of Claim</b>		
A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.	Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also <i>Unsecured Claim</i> .)	<b>Unsecured Priority Claim</b> Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as <i>Unsecured Nonpriority Claims</i> .

## Items to be completed in Proof of Claim form (if not already filled in)

### Court, Name of Debtor, and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, District of South Dakota), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

### Information about Creditor:

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or amends a proof of claim that was already filed, check the appropriate box on the form. A proof of claim *replaces* another proof of claim if it is intended to supersede a proof of claim filed by someone else on your behalf (such as the trustee, the debtor, a guarantor, or a co-debtor). A proof of claim *amends* another proof of claim if it is intended to correct or change a proof of claim you filed previously.

### 1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

### 2. Date(s) Debt Incurred:

Fill in the date(s) when the debt first was owed by the debtor.

### 3. Court Judgments:

If you have a court judgment for this debt, state the date(s) the court entered the judgment.

### 4. Total Amount of Claim at Time Case Filed:

Fill in the amount of your secured claim (if any), the amount of your unsecured claim (if any), the amount of your priority claim (if any), and the total amount of your claim.

### 5. Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

### 6. Unsecured Priority Claim:

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

### 7. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

### 8. Supporting Documents:

DO NOT ATTACH SUPPORTING DOCUMENTS to your proof of claim. Pursuant to the Court's October 23, 2002 General Order, you must provide copies of any supporting documents to the trustee, debtor-in-possession, or attorney for the debtor-in-possession upon request.

Enterprise Systems Incorporated  
11487 Sunset Hills Road  
Reston, Virginia 20190-5234

# CERTIFICATE OF SERVICE

District/off: 0869-1  
Case: 04-10253

User: vrein  
Form ID: b9i

Page 1 of 2  
Total Served: 50

Date Rcvd: Aug 04, 2004

The following entities were served by first class mail on Aug 06, 2004.

db +Carol Jean Fitz, P.O. Box 957, Britton, SD 57430-0957  
db +Michael Stewart Fitz, P.O. Box 957, Britton, SD 57430-0957  
aty +Cheryl Schrempp DuPris, Assistant U.S. Attorney, 225 South Pierre Street #337,  
Pierre, SD 57501-2489  
aty Curt R. Ewinger, PO Box 96, Aberdeen, SD 57402-0096  
tr Dale A. Wein, Bankruptcy Trustee, PO Box 1329, Aberdeen, SD 57402-1329  
ust Bruce J. Gering, Office of the U.S. Trustee, 230 S Phillips Ave, Suite 502,  
Sioux Falls, SD 57104-6321  
643711 AFNI, P.O. Box 3427, Bloomington, IL 61702-3427  
643712 AT&T, P.O. Box 2969, Omaha, NE 68103-2969  
643713 AVERA St. Lukes Hospital, P.O. Box 4400, Aberdeen, SD 57402-4400  
643709 +Accounts Management, Inc., P.O. Box 1843, Sioux Falls, SD 57101-1843  
643710 +Accounts Management, Inc., P.O. Box 1845, Sioux Falls, SD 57101-1845  
643714 +Brick Propane, P.O. Box 89, Britton, SD 57430-0089  
643715 +Britton Federal Credit Union, P.O. Box 917, Britton, SD 57430-0917  
643716 +CBCS, P.O. Box 1403, Sioux Falls, SD 57101-1403  
643717 Cellular One, 2001 NW Sarnmanish Road, Issaquah, WA 98037  
643718 Coteau Des Prairie Hospital, 205 Orchard Drive, Sisseton, SD 57262-2398  
643719 +Dakota Imaging Prof. LLC, 24 2nd Ave. SW, Aberdeen, SD 57401-4115  
643720 +Davidson Plumbing & Heating Co., P.O. Box 973, Britton, SD 57430-0973  
643721 +Dish Network, P.O. Box 33577, Northglenn, CO 80233-0577  
643722 +Garfield Co. Health Center, Inc., P.O. Box 389, Jorden, MT 59337-0389  
643736 +Grimsrud Visual Clinic, Box 149, Sisseton, SD 57262-0149  
643723 H&R Block, P.O. Box 468, Aberdeen, SD 57402-0468  
643724 +Hauge Associates, Inc., P.O. Box 88610, Sioux Falls, SD 57109-8610  
643725 +Holland Brothers Oil Co., P.O. Box R, Britton, SD 57430-0630  
643726 +Holland NAPA Auto Parts, P.O. Box 570, Britton, SD 57430-0570  
643727 +Home Federal Bank, P.O. Box 5000, Sioux Falls, SD 57117-5000  
643728 +Inovis Health, 3000 32nd Ave. SW, Fargo, ND 58103-6132  
643730 +Internal Revenue Service, 115 4th Ave. SE, Aberdeen, SD 57401-4380  
643732 LTD Commodities, Inc., P.O. Box 1306, Northbrook, IL 60065-1306  
643733 +Marie Fitz, 918 2nd St., Brookings, SD 57006-2130  
643746 +Marshall County Medical Clinic, Box N, Britton, SD 57430-0626  
643735 Marshall County Medical Clinic, Britton, SD 57430  
643734 +Marshall County Memorial Hospital, P.O. Box 230, Britton, SD 57430-0230  
643737 Marshall Fields, c/o Asset Acceptance, LLC, P.O. Box 318035, Cleveland, OH 44131-8035  
643738 +Meritcare Medical, P.O. Box 2168, Fargo, ND 58107-2168  
643739 +Messerli & Kramer, 3033 Campus Drive, Ste 350, Plymouth, MN 55441-2651  
643740 Midland Credit Management, Inc., P.O. Box 939019, San Diego, CA 92193-9019  
643741 Midwest Credits, Inc., P.O. Box 1088, Aberdeen, SD 57402-1088  
643742 Ned Maryott, Britton, SD 57430  
643743 Northern Plains Foot Clinic, Todd R. Monroe, P.O. Box 101, Caledonia, IL 61011-0101  
643744 Office of Richard D. Seierstad, P.O. Box 566, Sauk Rapids, MN 56379-0566  
643745 +Petroleum Partners, LLC, P.O. Box 88, Britton, SD 57430-0088  
643747 +Providian National Bank, c/o Palisades Collection, LLC, Two Irvington Centre,  
702 King Farm Blvd., Rockville, MD 20850-5774  
643748 +Robert A. Cihak, MD, 201 S. Lloyd St., Ste 106E, Aberdeen, SD 57401-4551  
643749 +Southside Equipment and Feed, P.O. Box 974, Britton, SD 57430-0974  
643750 Thomas P. Tonner, Attorney at Law, P.O. Box 1456, Aberdeen, SD 57402-1456  
643751 +Tisher Bookkeeping, P.O. Box 302, Britton, SD 57430-0302  
643752 +United Accounts, Inc., P.O. Box 518, Aberdeen, SD 57402-0518

The following entities were served by electronic transmission on Aug 05, 2004 and receipt of the transmission was confirmed on:

643729 +EDI: IRS.COM Aug 05 2004 03:52:00 Internal Revenue Service, P.O. Box 145566,  
Cincinnati, OH 45250-5566  
643731 +EDI: IRS.COM Aug 05 2004 03:52:00 Internal Revenue Service, 1301 Clay St., Suite 12005,  
Oakland, CA 94612-5217

TOTAL: 2

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr IRS

TOTALS: 1, \* 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0869-1  
Case: 04-10253

User: vrein  
Form ID: b9i

Page 2 of 2  
Total Served: 50

Date Rcvd: Aug 04, 2004

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 06, 2004

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", written over a horizontal line.